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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/598,384

Applicant(s)

NARESSI ET AL.

Examiner

STEPHEN BURGDOFF

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 1-13 and 18-24 is/are pending in the application.
- 5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 1-13 and 18-24 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-SB-03)
Paper No(s)/Mail Date 8/17/11
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

RESPONSE TO AMENDMENT

This communication is responsive to the amendment filed 4-October-2011 with respect to application 10/598384 filed 23-September 2008. Applicant has amended **claims 1, 2, 6, 9, 18, 22 and 24**, and has cancelled **claims 14-17**.

1. **Claims 1-13 and 18-24** are currently pending.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 17-August-2011 is acknowledged.
The information disclosure statement is being considered by the examiner.

Claim Objections

3. Receipt of amendments to claims **22 and 24** which remedy objections of the previous office action are acknowledged and the objections are hereby withdrawn.

Claim Rejections - 35 USC § 112

4. Receipt of amendments to claims **1 and 2** which remedy 35 USC § 112, 2nd paragraph rejections of **claims 1, 2 and 4** are acknowledged and the rejections are hereby withdrawn.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.1. **Claim 1** is rejected under 35 U.S.C. 102(e) as being anticipated by **Richley et al.**

(United States Patent # US 6,798,349 B1), hereinafter Richley.

- 5.1.1. Consider **claim 1**: *a method for selecting at least one digital media content from at least one media content source, comprising:*
- selecting a mutual spatial arrangement of RFID tags, wherein the mutual spatial arrangement represents the spatial proximity between the RFID tags;*
 - receiving data representing a plurality of content identifiers obtained from a plurality of different RFID tags;*
 - detecting said mutual spatial arrangement; and*
 - providing different digital media content in accordance with said arrangement.*

Richley discloses [Title, Abstract and Col. 1, lines 6-10] a passive microwave tag identification system, and specifically [Fig. 1 and Col. 5, line 14-17] that the system may be used to determine identity of text or graphics on documents (3) printed on physical media and removably attached to a surface, associating them with electronic documents accessible through networked computer (22).

Richley further discloses [Col. 6, lines 5-16] an exemplary arrow (5) supports two microwave tags having unique identification signals, allowing the arrow direction to be distinguished by system (10). Placing the arrow with respect to the various tags causes modification of that associated electronic data in response to physical association of the operator icon (arrow) with a tagged object (e.g. object (7) with embedded microwave tag).

Richley further discloses [Col. 6, lines 27-31] that implementation of the foregoing scenario is facilitated by multiple low cost, reliable, and narrow beam microwave base stations for directing and receiving multiple microwave beams for locating and identifying the microwave tags.

Richley further discloses [Col. 5, lines 18-21] sensing the location of microwave tagged documents or other physical artifacts, either in absolute coordinates or relative (e.g. angular differentiation) to a microwave base station or other tagged documents.

Richley further discloses [Col. 6, lines 19-21] that this association causes the database and tracking system (11) of system (10) to electronically mail the document to the user.

Claim Rejections - 35 USC § 103

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6.1. **Claims 2-8, 18-21 and 23-24** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Fraier et al. (United States Patent Application Publication # US 2003/0001016 A1)**, hereinafter Fraier, in view of **Want et al. (United States Patent # 6,008,727)**, hereinafter Want, and further in view of **Richley et al. (United States Patent # US 6,798,349 B1)**, hereinafter Richley.

- 6.1.1. Consider **claim 2**: *a method comprising:*
receiving first RFID tag information from a first RFID tag enabled object;
receiving at least second RFID tag information from at least a second RFID
tag enabled object;
using the first and second RFID tag information from both the first and
second RFID tag enabled objects to determine whether a proper combination of
RFID enabled objects are present; and
providing access to particular media or content based on whether the first
and second RFID tags are in a desired mutual spatial arrangement, wherein the
desired mutual spatial arrangement represents the spatial proximity between the
RFID tags.

Fraier discloses, [Title, Abstract and Para. 0010] a method for accessing multimedia (digital) content using physical bookmarks, and specifically [Para. 0075] that physical bookmarks (tokens) may be or contain RFID tags, [Para. 0010] that a token may be placed in a device receptacle and its identification code read.

Fraier further discloses, [Para. 0016] that there may be more than one token (second) and that different tokens contain different identification codes associated with different media content.

Fraier further discloses [Fig. 10 and Para. 00125 and 00126], a step wherein the identification code (from the token) is evaluated, both to determine that it properly maps to a URL for media content and also that it is suitable and authorized for the user. Fraier includes a step [Fig.10] of transmitting content to the user computer.

Fraier does not disclose use or evaluation of token information in combination to determine if the combination is proper, or the determination whether the first and second tags are in a desired mutual spatial arrangement.

Want, in a system and method for transferring electronic information using multiple electronic tags, discloses [Col. 2, lines 21-27] that electronic (RFID) tags

are read by computers in the support of digital services, [Col. 2, lines 28-36] that tags are attached to physical objects and have identification information, [Col. 2, line 57 to Col. 3, line 1] that the information when read, is evaluated for proper association to a data base or instruction, and if not, corrective action is taken, [Col. 3, lines 23-43] that information from a specific tag can be considered a "senseme" and that groups of sensemes may form sentence like structures with grammatical rules, evaluated by the system for specific complex meaning, and specifically, [Fig. 7 and Col. 15, lines 5-10] that a second reading of the same information is evaluated to determine whether it is a second tag or a "double reading", [Col. 15, lines 26-35] an exemplary process wherein a second tag is read and because the information mapped to database information, the combination of the first and second tag information is used to issue a command; and further [Col. 15, lines 50-62], that the system may interpret multiple reading of the same information as proper, based on context.

Want further discloses [Col. 3, line 6 to 21] that tags may be associated with sensors and a sensor sense relative or absolute spatial position, but does not specifically disclose decisions made based on the mutual spatial proximity of a plurality of tags.

Richley discloses [Title, Abstract and Col. 1, lines 6-10] a passive microwave tag identification system, and specifically that [Fig. 1 and Col. 5, lines 18-21] sensing the location of microwave tagged documents or other physical artifacts, either in absolute coordinates or relative to a microwave base station or

other tagged documents, and [Col. 6, lines 19-21] that this association causes the database and tracking system (11) of system (10) to electronically mail the document to the user.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to read and combine information from a plurality of tags, to form sentence-like commands with grammatical structure, and to evaluate tag information for proper and appropriate context as taught by Want and to use the relative spatial proximity of tagged objects as criteria to form these commands as taught by Richley in the method of obtaining media content of Fraier for the purpose of creating complex commands based on the physical arrangement of tagged objects.

- 6.1.2. Consider **claim 3 and as applied to claim 2**: *wherein using the first and second RFID tag information from both the first and second RFID tag enabled objects includes comparing the at least first and second RFID tag information with an expected combination of desired RFID tag information and facilitating access to specific content when the combination of the at least first and second RFID tag information matches the expected combination of desired RFID tag information.*

Fraier does not disclose the use of combinations of RFID tags.

Want further discloses [Col. 3, lines 23-43] that information from a specific tag can be considered a "senseme" and that groups of sensemes may form sentence like structures with grammatical rules, evaluated by the system for specific complex meaning and wherein tag information is presented and used in combinations and sequences in conformance with grammatical and contextual rules, and [Col. 3, line

44 to Col. 4, line 11] an example of obtaining access to content (printing a document) based on a series of expected information senseme types.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to read expected combinations of tag information, to form sentence-like commands with grammatical structure, for the purpose of obtaining access to specific content as taught by Want in the method of obtaining media content of Fraier as modified by Want and Richley for the purpose of creating complex commands based on the physical arrangement of tagged objects.

- 6.1.3. Consider **claim 4 and as applied to claim 2**: *including determining whether the first and second RFID tag information from both the first and second RFID tag enabled objects have been received within an acceptable time period with respect to one another.*

Fraier does not disclose the use of combinations of RFID tags.

Want further discloses [Col.15, lines 5-10] that a second reading of the same information is evaluated to determine whether it is a second tag or a "double reading", and [Col. 15, lines 26-35] an exemplary process wherein a second reading of the same information within a short period is interpreted to be additional command information, and wherein after a specified amount of time has passed without new readings, it is interpreted that the intended instructions are complete.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to determine whether readings have been

received within an acceptable time with respect to one another as taught by Want in the method of obtaining media content of Fraier as modified by Want and Richley for the purpose of determining whether a tag was double read or if an intended command is complete.

- 6.1.4. Consider **claim 5 and as applied to claim 2**: *including receiving RFID reader identification information associated with each of the first and second first and second RFID tag enabled objects and determining whether the first and second RFID tag information were read by at least one appropriate RFID tag reader, and facilitating access to specific content when the combination of the at least first and second RFID tag information are deemed to have been read by at least one appropriate RFID tag reader.*

Fraier does not disclose the use of combinations of RFID tags.

Want further discloses [Col. 3, line 44 to Col. 4, line 11] a single tag reader connected to a computer and an example of obtaining access to content (printing a document) based on a series or sequence of information read by the reader. The process includes conveyance of a personal information number, logging on a network and establishment of authorization, all of which demonstrate that the user and associated computer/reader are an appropriate source.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include personal identification numbers, authentication codes or login procedures as taught by Want in the method of obtaining media content of Fraier as modified by Want and Richley for the purpose of determining whether user or associated reader is authorized and appropriate to issue requests and receive content.

6.1.5. Consider **claim 6 and as applied to claim 2**: *including providing access to particular media or content based on whether the first and second RFID tag information from both the first and second RFID tag enabled objects are received in a particular order.*

Fraier does not disclose the use of combinations of RFID tags.

Want further discloses, [Col. 3, line 23 to Col. 4, line 11], a system where individual readings of tag information (sensemes) are combined into sentence-like structures in accordance with grammatical rules which govern the order and form of individual sensemes to form a valid media request, and an example of obtaining access to content (printing a document) based on a specific series or sequence of information read by the reader, and [Col. 8, lines 54-65] specifically that a digital service may be invoked as a function of the order in which the tags are presented.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use the order that tags are read to form sentence-like structure as taught by Want in the method of obtaining media content of Fraier as modified by Want and Richley for the purpose of creating complex media access requests.

6.1.6. Consider **claim 7 and as applied to claim 2**: *including storing data representing combination RFID tag content identification information that identifies at least one of downloadable digital content and media corresponding to an expected combination of RFID enabled objects.*

Fraier does not disclose the use of combinations of RFID tags.

Want discloses, [Fig. 6 and 7, and Col. 14, line 45 to Col. 15, line 62], an exemplary system and method where information from a number of tags is read sequentially, including: a corporate ID (with tag) [Col. 14, line 62], which is read and loaded (stored), a binder clip (with tag) [Col. 15, line 19], which is read and loaded, a network printer (with tag) [Col. 15, line 36], which is read and loaded, and again the network printer [Col. 15, line 50] which is again loaded (and interpreted to mean 2 copies), and finally, after an additional time has elapsed the command associated with the combination of the plurality of tags read, is issued to print the media specified by and associated with the command, therefore teaching that information of a plurality of tags is stored, and [Fig. 7] that tag information is checked with a database to see whether it exists (is expected).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a combination of tag information, which is collected, stored and checked to verify its existence in a database, as taught by Want in the method of obtaining media content of Fraier as modified by Want and Richley for the purpose of specifying media and associated desired action.

6.1.7. Consider **claim 8 and as applied to claim 7**: *wherein the stored data representing combination RFID tag content identification information identifies downloadable content or media that is different from stored content identification information associated with each of the RFID tags information individually;*

Fraier does not disclose the use of combinations of RFID tags.

Want discloses, [Fig. 8, and Col. 15, line 63 to Col. 16, line 23], the use of a device that allows selective enablement of one of ten RFID tags, each representing a

decimal digit, and the use of this device to provide information through sequential activation. It is obvious that information representing the digit 2 and information representing the digit 5 may have separate meanings from one another and also different from the information when these tags are presented together (as 25 or 52).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made that the meaning of information presented by two tags in separate fashion may be different from one another and also different from the meaning conveyed when they are presented together as taught by Want in the method of obtaining media content of Fraier modified by Want and Richley for the purpose of providing a low cost "dialing system".

6.1.8. Consider **claim 18**: *a network element, comprising:*

a communication interface operative to receive, via a communication link, first RFID tag information from a first RFID tag enabled object,

at least second RFID tag information from at least a second RFID tag enabled object, and mutual spatial arrangement information, wherein the mutual spatial arrangement information represents the spatial proximity between the RFID tag enabled objects; and

a controller, operatively coupled to the communication interface, and operative to use the first and second RFID tag information from both the first and second RFID tag enabled objects to determine whether a proper combination of RFID enabled objects have been presented to an RFID reading device.

Fraier discloses [Title, Abstract and Para. 0010] an apparatus for accessing multimedia (digital) content using physical bookmarks, and specifically [Para. 0075] that physical bookmarks (tokens) may be or contain RFID tags, [Para. 0010] that a token may be placed in a device receptacle and its identification code read.

Fraier further discloses [Para. 0075], that physical bookmarks (tokens) may be or contain RFID tags, [Abstract and Para. 0016] that a token may be placed in a device receptacle (communication interface) and it's identification code read, and that there may be more than one token (second) and that different tokens contain different identification codes associated with different media content.

Fraier further discloses [Fig. 3] a microcontroller, wherein [Fig. 10 and Para. 00125 and 00126], the identification code (from the token) is evaluated, both to determine that it properly maps to a URL for media content and also that it is suitable and authorized for the user.

Fraier does not disclose use or evaluation of token information in combination to determine if the combination is proper, or the determination whether the first and second tags are in a desired mutual spatial arrangement.

Want, in a system and method for transferring electronic information using multiple electronic tags, discloses [Col. 2, lines 21-27] that electronic (RFID) tags are read by computers in the support of digital services, [Col. 2, lines 28-36] that tags are attached to physical objects and have identification information, [Col. 2, line 57 to Col. 3, line 1] that the information when read, is evaluated for proper association to a data base or instruction, and if not, corrective action is taken, [Col. 3, lines 23-43] that information from a specific tag can be considered a "senseme" and that groups of sensemes may form sentence like structures with grammatical rules, evaluated by the system for specific complex meaning, and specifically, [Fig. 7 and Col. 15, lines 5-10] that a second reading of the same information is evaluated

to determine whether it is a second tag or a "double reading", [Col. 15, lines 26-35] an exemplary process wherein a second tag is read and because the information mapped to database information, the combination of the first and second tag information is used to issue a command; and further [Col. 15, lines 50-62], that the system may interpret multiple reading of the same information as proper, based on context.

Want further discloses [Col. 3, line 6 to 21] that tags may be associated with sensors and a sensor sense relative or absolute spatial position, but does not specifically disclose decisions made based on the mutual spatial proximity of a plurality of tags.

Richley discloses [Title, Abstract and Col. 1, lines 6-10] a passive microwave tag identification system, and specifically that [Fig. 1 and Col. 5, lines 18-21] sensing the location of microwave tagged documents or other physical artifacts, either in absolute coordinates or relative to a microwave base station or other tagged documents, and [Col. 6, lines 19-21] that this association causes the database and tracking system (11) of system (10) to electronically mail the document to the user.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to read and combine information from a plurality of tags, to form sentence-like commands with grammatical structure, and to evaluate tag information for proper and appropriate context as taught by Want and to use the relative spatial proximity of tagged objects as criteria to form these commands as

taught by Richley in the apparatus for obtaining media content of Fraier for the purpose of creating complex commands based on the physical arrangement of tagged objects.

- 6.1.9. Consider **claim 19 and as applied to claim 18**: *wherein the controller is operative to compare the at least first and second RFID tag information with an expected combination of desired RFID tag information and outputs specific content identification information for communication by the communication interface when the combination of the at least first and second RFID tag information matches the expected combination of desired RFID tag information.*

Fraier does not disclose the use of combinations of RFID tags.

Want further discloses [Col. 3, lines 23-43] that information from a specific tag can be considered a "senseme" and that groups of sensemes may form sentence like structures with grammatical rules, evaluated by the system for specific complex meaning and wherein tag information is presented and used in combinations and sequences in conformance with grammatical and contextual rules, and [Col. 3, line 44 to Col. 4, line 11] an example of obtaining access to content (printing a document) based on a series of expected information senseme types.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to read expected combinations of tag information, to form sentence-like commands with grammatical structure, for the purpose of obtaining access to specific content as taught by as taught by Want in the apparatus for obtaining media content of Fraier as modified by Want and Richley for the purpose of creating complex commands based on the physical arrangement of tagged objects.

- 6.1.10. Consider **claim 20 and as applied to claim 18**: *wherein the controller includes timing logic operative to determine whether the first and second RFID tag information from both the first and second RFID tag enabled objects have been received within an acceptable time period with respect to one another.*

Fraier does not disclose the use of combinations of RFID tags.

Want further discloses [Col.15, lines 5-10] that a second reading of the same information is evaluated to determine whether it is a second tag or a "double reading" and [Col. 15, lines 26-35] an exemplary process wherein a second reading of the same information within a short period is interpreted to be additional command information, and wherein after a specified amount of time has passed without new readings, it is interpreted that the intended instructions are complete.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to determine whether readings have been received within an acceptable time with respect to one another as taught by Want in the apparatus for obtaining media content of Fraier as modified by Want and Richley for the purpose of determining whether a tag was double read or if an intended command is complete.

- 6.1.11. Consider **claim 21 and as applied to claim 18**: *wherein the controller receives RFID reader identification information associated with each of the first and second first and second RFID tag enabled objects and determines whether the first and second RFID tag information were read by at least one appropriate RFID tag reader, and facilitating access to specific content when the combination of the at least first and second RFID tag information are deemed to have been read by at least one appropriate RFID tag reader.*

Fraier does not disclose the use of combinations of RFID tags.

Want further discloses [Col. 3, line 44 to Col. 4, line 11] a single tag reader connected to a computer and an example of obtaining access to content (printing a document) based on a series or sequence of information read by the reader. The process includes conveyance of a personal information number, logging on a network and establishment of authorization, all of which demonstrate that the user and associated computer/reader are an appropriate source.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include personal identification numbers, authentication codes or login procedures as taught by Want in the apparatus for obtaining media content of Fraier as modified by Want and Richley for the purpose of determining whether user or associated reader is authorized and appropriate to issue requests and receive content.

- 6.1.12. Consider **claim 23 and as applied to claim 18**: *including memory that stores data representing combination RFID tag content identification information that identifies at least one of downloadable digital content and media corresponding to an expected combination of RFID enabled objects.*

Fraier does not disclose the use of combinations of RFID tags.

Want further discloses [Fig. 6 and 7, and Col. 14, line 45 to Col. 15, line 62] an exemplary system and method where information from a number of tags is read sequentially, including: a corporate ID (with tag) [Col. 14, line 62], which is read and loaded (stored), a binder clip (with tag) [Col. 15, line 19], which is read and

loaded, a network printer (with tag) [Col. 15, line 36], which is read and loaded, and again the network printer [Col. 15, line 50] which is again loaded (and interpreted to mean 2 copies), and finally, after an additional time has elapsed the command associated with the combination of the plurality of tags read, is issued to print the media specified by and associated with the command, therefore teaching that information of a plurality of tags is stored and [Fig. 7] that tag information is checked with a database to see whether it exists (is expected).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a combination of tag information, which is collected, stored and verified to exist in a database as taught by Want in the apparatus for obtaining media content of Fraier as modified by Want and Richley for the purpose of specifying media and associated desired action.

- 6.1.13. Consider **claim 24 and as applied to claim 23**: *wherein the stored data representing combination RFID tag content identification information identifies downloadable content or media that is different from stored content identification information associated with each of the RFID tags information individually.*

Fraier does not disclose the use of combinations of RFID tags.

Want further discloses [Fig. 8, and Col. 15, line 63 to Col. 16, line 23] the use of a device that allows selective enablement of one of ten RFID tags, each representing a decimal digit, and the use of this device to provide information through sequential activation. It is obvious that information representing the digit 2

and information representing the digit 5 may have separate meanings from one another and also different from the information when these tags are presented together (as 25 or 52).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made that the meaning of information presented by two tags in separate fashion may be different from one another and also different from the meaning conveyed when they are presented together as taught by Want in the apparatus for obtaining media content of Fraier as modified by Want and Richley for the purpose of providing encoded data.

6.2. **Claims 9-11** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Richley et al. (United States Patent # US 6,798,349 B1)**, hereinafter Richley, in view of **Chipchase et al. (United States Patent Application Publication # US 2006/0158341 A1)**, hereinafter Chipchase.

6.2.1. Consider **claim 9**: *a method for selecting digital media content from at least one media content, comprising:*
 receiving data representing a plurality of content identifiers obtained from a plurality of different RFID tags associated with a plurality of RFID enabled media objects;
 detecting a mutual spatial arrangement between the plurality of different RFID tags associated with a plurality of RFID enabled media objects; and
 providing different combinations of media for downloading depending on the combination of different received content identifiers and the mutual spatial arrangement.

Richley discloses [Title, Abstract and Col. 1, lines 6-10] a passive microwave tag identification system, and specifically [Fig. 1 and Col. 5, line 14-17] that the system may be used to determine identity of text or graphics on documents (3) printed on physical media and removably attached to a surface, associating them with electronic documents accessible through networked computer (22).

Richley further discloses [Col. 6, lines 27-31] that implementation is facilitated by multiple low cost, reliable, and narrow beam microwave base stations for directing and receiving multiple microwave beams for locating and identifying the microwave tags.

Richley further discloses [Col. 5, lines 18-21] sensing the location of microwave tagged documents or other physical artifacts, either in absolute coordinates or relative (e.g. angular differentiation) to a microwave base station or other tagged documents.

Richley further discloses [Col. 6, lines 5-16] an exemplary arrow (5) supports two microwave tags having unique identification signals, allowing the arrow direction to be distinguished by system (10). Placing the arrow with respect to the various tags causes modification of that associated electronic data in response to physical association of the operator icon (arrow) with a tagged object (e.g. object (7) with embedded microwave tag).

Richley further discloses [Col. 6, lines 19-21] that this association causes the database and tracking system (11) of system (10) to electronically mail the document to the user.

Richley discloses a plurality of RFID enabled objects each representing downloadable media content, and actions based on the spatial arrangement (including mutual spatial arrangement) of the objects and the downloading of information pertaining to a plurality of media content [Col. 5, lines 37-40] but does not specifically disclose or provide an example of a combination of media content related to a combination of RFID enabled objects.

Chipchase, in a device for directing the operation of a user's personal communication apparatus, discloses [Title, Abstract and Para. 0001] an RFID tag reader connected to a mobile phone, wherein actions and processes on the phone may be automatically performed by the reading of an associated tag enabled object, [Fig. 8 and Para. 0048] that one application of the device is for the downloading of digital and media content, and [Fig. 18b and Para. 0072] that a plurality of tags may be presented and that the two tag identifiers representing content access codes may be used singly or in combination, and that the access and response for the combination may be different from each of the individual identifiers.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to read and combine information from a plurality of tags and to allow the plurality of tag identifiers to include a plurality of content identifiers as taught by Chipchase in the identification system of Richley for the purpose of specifying combinations of downloading media.

- 6.2.2. Consider **claim 10 and as applied to claim 9**: *including providing access to particular media content based on whether the plurality of different RFID tags and are presented to at least one RFID tag reader in a particular order.*

Richley further discloses a plurality of RFID enabled objects each representing downloadable media content, and actions based on the spatial arrangement (including mutual spatial arrangement) of the objects and the downloading of information pertaining to a plurality of media content [Col. 5, lines 37-40 and 49-59] and specifically that the use of an archival database supports computer control based on temporally differentiated icon input but does not specifically disclose or provide an example of a combination of media content related to a combination of RFID enabled objects.

- 6.2.3. Consider **claim 11 and as applied to claim 9**: *including providing access to particular media content based on whether the plurality of content identifiers are received in a particular order.*

Richley further discloses a plurality of RFID enabled objects each representing downloadable media content, and actions based on the spatial arrangement (including mutual spatial arrangement) of the objects and the downloading of information pertaining to a plurality of media content [Col. 5, lines 37-40 46-48 and 49-59] and specifically that each differently identified physical icon can be associated with a particular digital service or attribute, and that the use of an archival database supports computer control based on temporally differentiated icon input but does not specifically disclose or provide an example of a combination of media content related to a combination of RFID enabled objects.

6.3. **Claims 12-13** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Richley et al. (United States Patent # US 6,798,349 B1)**, hereinafter Richley, and **Chipchase et al. (United States Patent Application Publication # US 2006/0158341 A1)**, hereinafter Chipchase, and further in view of **Want et al. (United States Patent # 6,008,727)**, hereinafter Want.

6.3.1. Consider **claim 12** and as applied to **claim 9**: *including storing data representing combination content identifiers that identifies at least one of downloadable digital content and media corresponding to an expected combination of RFID enabled objects.*

Richley further discloses a plurality of RFID enabled objects each representing downloadable media content, and actions based on the spatial arrangement (including mutual spatial arrangement) of the objects and the downloading of information pertaining to a plurality of media content [Col. 5, lines 37-40 and 49-59] and specifically that the use of an archival database supports computer control based on temporally differentiated icon input but does not specifically disclose or provide an example of a combination of media content related to a combination of RFID enabled objects.

Richley does not specifically disclose the storing of data representing a combination of content identifiers.

Want discloses a system and method for transferring electronic information using multiple electronic tags [Col. 2, lines 21-27]; that electronic (RFID) tags are read by computers in the support of digital services; [Col. 2, lines 28-36] that tags

are attached to physical objects and have identification information; [Col. 2, line 57 to Col. 3, line 1] that the information when read, is evaluated for proper association to a data base or instruction, and if not, corrective action is taken.

Want further discloses, [Fig. 6 and 7, and Col. 14, line 45 to Col. 15, line 62], an exemplary system and method where information from a number of tags is read sequentially, including: a corporate ID (with tag) [Col. 14, line 62], which is read and loaded (stored), a binder clip (with tag) [Col. 15, line 19], which is read and loaded, a network printer (with tag) [Col. 15, line 36], which is read and loaded, and again the network printer [Col. 15, line 50] which is again loaded (and interpreted to mean 2 copies), and finally, after an additional time has elapsed the command associated with the combination of the plurality of tags read, is issued to print the media specified by and associated with the command, therefore teaching that information of a plurality of tags is stored, and [Fig. 7] that tag information is checked with a database to see whether it exists (is expected).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a combination of tag information, which is collected, stored and checked to verify its existence in a database, as taught by Want in the identification system of Richley as modified by Chipchase for the purpose of specifying media and associated desired action.

6.3.2. Consider **claim 13 and as applied to claim 12**: *wherein the stored data representing combination content identifiers identifies downloadable content or media that is different from stored content identification information associated with each of the content identifiers individually.*

Richley does not specifically disclose the storing of data representing a combination of content identifiers.

Chipchase further discloses [Fig. 8 and Para. 0048] that one application of the device is for the downloading of digital and media content, and [Fig. 18b and Para. 0072] that a plurality of tags may be presented and that the two tag identifiers representing content access codes may be used singly or in combination, and that the access and response for the combination may be different from each of the individual identifiers.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made that a combination of tag information from a plurality of tags may have different meaning or represent different content than that of the tag information individually as taught by Chipchase in identification system of Richley as modified by Chipchase and Want for the purpose of creating complex media access requests.

6.4. **Claim 22** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Fraier et al.** (**United States Patent Application Publication # US 2003/0001016 A1**), (hereinafter Fraier), **Want et al.** (**United States Patent # 6,008,727**), (hereinafter Want), and **Richley et al.** (**United States Patent # US 6,798,349 B1**), hereinafter Richley, and further in view of **Fontijn** (**United States Patent Application Publication # US 2006/0047603 A1**).

- 6.4.1. Consider **claim 22 and as applied to claim 18**: *wherein the controller provides digital rights management and wherein the controller provides combination RFID tag content identification information for a content playing unit so that the content playing unit can access to particular media or content based on whether the first and second RFID tag information from both the first and second RFID tag enabled objects are received in a particular order.*

Fraier further discloses that the controller evaluates [Fig. 10 and Para. 00125 and 00126], the identification code (from the token) both to determine that it properly maps to a URL for media content and also that it is suitable and authorized for the user, and further [Para. 0050] that the play unit can determine that the right to play a certain piece of multimedia that requires purchase is present.

Fraier does not disclose the use of combinations of RFID tags or that the controller provides digital rights management.

Want further discloses [Col. 3, line 23 to Col. 4, line 11] a system where individual readings of tag information (sensemes) are combined into sentence-like structures in accordance with grammatical rules which govern the order and form of individual sensemes to form a valid media request, and an example of obtaining access to content (printing a document) based on a specific series or sequence of information read by the reader, and [Col. 8, lines 54-65] specifically that a digital service may be invoked as a function of the order in which the tags are presented.

Want does not disclose that the controller provides digital rights management.

Fontijn, in a system for managing digital rights, discloses [Title, Abstract, and Para. 0001] that a computing means (controller) transfers access control information to a server of the content provider (content server).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use the order that tags are read to form sentence-like structure as taught by Want and to use the controller to manage digital rights as taught by Fontijn the apparatus for obtaining media content of Fraier as modified by Want and Richley for the purpose of creating complex media access requests.

Response to Amendment

7. Applicant's amendments filed on 4-October-2011 have been fully considered by the examiner, but they are not deemed persuasive.
 - 7.1. Claim objections [Remarks: page 8], Amendments to **claims 22 and 24** have corrected the subject matter objected to and objections have been withdrawn.
 - 7.2. Claim Rejections – 35 USC §112, 2nd Para. [Remarks: Page 9]: Amendments to **claims 1, 2 and 4** have obviated the rejections of these claims and the rejections have been withdrawn.

7.3. Claim Rejections - 35 USC §103(a) [Remarks; Pages 9-11]: the arguments have been carefully considered, but are rendered moot by the new grounds of rejection necessitated by the amendment of **claims 1, 2, 9 and 18**. New reference **Richley et al. (United States Patent # US 6,798,349 B1)**, hereinafter Richley applied in lieu and/or in combination with previously cited references teach or render obvious all of the limitations of the presented claims.

Specifically Richley teaches [Col. 5, lines 18-21] that the described system may “sense the location of microwave tagged documents or other physical artifacts, either in absolute or relative (e.g. angular differentiation) to a microwave base station, or other tagged documents;....”. and further (in this column and the next) discloses examples of use, where relative position and orientation of enabled objects allows a user to create complex commands with sentence-like structures, and that the disclosure is also directed toward the specific discovery of location and position for a plurality of differentiated tagged objects.

7.4. Considering **claim 2** [Remarks: Page 12, Para. 1] the disclosure of Richley teaches the use of mutual spatial arrangement as discussed above.

7.5. Considering **claims 3-8** [Remarks: Page 12, Para. 2]; these claims are dependent on currently rejected **claim 2** and further stand rejected on the additional specific grounds of the previous rejections.

- 7.6. Considering **claim 18** [Remarks: Page 12, Para. 3] the disclosure of Richley teaches the use of mutual spatial arrangement as discussed above.
- 7.7. Considering **claims 19-21 and 23-24** [Remarks: Page 12, Para. 4]; these claims are dependent on currently rejected **claim 18** and further stand rejected on the additional specific grounds of the previous rejections.
- 7.8. Considering **claim 9** [Remarks: Page 12, 13] the disclosure of Richley teaches the use of mutual spatial arrangement as discussed above.
- 7.9. Considering **claims 10-13** [Remarks: Page 13, Para. 2]; these claims are dependent on currently rejected **claim 9** and further stand rejected on the additional specific grounds of the previous rejections.
- 7.10. Considering **claim 22** [Remarks: Page 13, Para. 3]; these claims are dependent on currently rejected **claim 18** and further stand rejected on the additional specific grounds of the previous rejections.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.
- Garber et al. (U.S. Patent Application Publication # US 20010013830 A1)** disclosing applications for radio frequency identification systems.

Lastinger et al. (U.S. Patent Application Publication # US 20030030568 A1) disclosing wireless identification systems and protocols.

Jalkanen et al. (U.S. Patent Application Publication # US 20050083181 A1) disclosing a method, terminal and computer program product for adjusting power consumption of a RFID reader associated with a mobile terminal.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **STEPHEN R. BURGDORF** whose telephone number is (571)270-7328. The examiner can normally be reached on Monday-Friday 7:30 to 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benjamin Lee can be reached on (571)272-2963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Stephen R Burgdorf/

Examiner, Art Unit 2612

/BENJAMIN C. LEE/

Supervisory Patent Examiner, Art Unit 2612